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RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 MARY HENDRICKSON,

11 Plaintiff,

12 v.

13 INDUSTRIAL LUMBER AND PLYWOOD
14 CORPORATION,

15 Defendant.

C07 02942 RS
Case No.: TBD

**COMPLAINT FOR DAMAGES AND
DEMAND FOR JURY TRIAL**

16 Plaintiff Mary Hendrickson alleges:

17 1. Plaintiff is and was at all times mentioned herein a citizen of the State of
18 California.

19 2. Defendant Industrial Lumber & Plywood is a corporation incorporated under
20 the laws of the State of Minnesota since 1948 and of good standing in the year 2007, with
21 its principal place of business at 4100 Washington Avenue, North, Minneapolis, Minnesota
22 55412.

23 The jurisdiction of this court over the subject matter of this action is predicated upon
24 28 USC §1332. The matter in controversy exceeds \$50,000.00 exclusive of interests in
25 and costs.

26 3. Venue: Mary Hendrickson, the plaintiff in this case, resides in the State of
27 California. Her husband John Gilbert Krogman, the driver of the car she was riding in,
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1 though not a party, also resides in the State of California, in the Northern District of
2 California.

3 Plaintiff Mary Hendrickson was treated in the Northern District of California; prior
4 medical treatment for a back condition, which may have made her more susceptible to
5 injury, and the principal and ongoing treatment for the injuries sustained in this case have
6 both occurred in the Northern District of California.

7 There is no genuine dispute over liability. Venue is proper in the Northern District of
8 California for convenience of witnesses, and jurisdiction is proper because of complete
9 diversity of citizenships of the parties.

10 4. On or about June 8, 2005, at Highway 55 in the county of Dakota, township or
11 city of Eagan, in the State of Minnesota, a lumber truck owned by defendant Industrial
12 Lumber and Plywood and operated by it's employee and/or agent driver, ran a red light,
13 while the driver was glancing at his clipboard, and collided with a vehicle driven by John
14 Krogman, a resident of Northern District of California, and in which his wife, Mary
15 Hendrickson, was riding as a passenger.

16 The vehicle in which Mary Hendrickson was riding was hit by a lumber truck loaded
17 with lumber, causing property damage according to proof. The driver of the lumber truck
18 was negligently inattentive while driving which resulted in his running the red light and in
19 injuries to Mary Hendrickson.

20 5. Mary Hendrickson was hospitalized where a CT Scan was performed upon
21 her return to California for treatment and has received cortisone shots, an EMG, and
22 conservative treatment under the direction of Dr. Vanessa Ortiz, M.D. and Dr. Joseph
23 Welsh, a neuro-surgeon, both of whom reside in the Northern District of California. Dr.
24 Ortiz has ordered 2 MRIs which will be performed by Murray Solomon, M.D., who is also a
25 resident of the Northern District of California. Medical expenses caused by this collision are
26 set forth in "Exhibit A" and are incorporated herewith as if set forth in detail.

27 6. Due to injuries sustained, Plaintiff Mary Hendrickson had to cancel pending
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1 vacation plans because of severe pain and was diagnosed with atrial fibrillation, preventing
2 her from taking the pain medication of choice, Celebrex, to alleviate her pain. Ms.
3 Hendrickson has endured constant pain in her neck and back. Dr. Ortiz has prescribed
4 myofascial therapy; Dr. John Welsh, M.D. has performed an epidural block injections.
5 Myofascial therapy was administered at a Los Gatos medical facility. The atrial fibrillation
6 was diagnosed on January 30, 2006 by Dr. Clayton Bavor who also resides and works in
7 the Northern District of California. Medial bills to date for treatment of injuries sustained by
8 Mary Hendrickson are in excess of \$32,500.00 and continuing as shown by "Exhibit A".

9 7. As a substantial result of the negligence of the driver of the Defendant's
10 loaded lumber truck, Plaintiff has sustained severe and permanent injuries which will cause
11 her and has caused her to be deprived of enjoyment of life, to endure severe pain, and to
12 experience limitation of motion: all to her general damage in amounts in excess of
13 \$50,000.00 and special damages for medical treatment past and future according to proof
14 and as set forth above.

15 8. As a proximate and substantial result of the negligence of Defendant
16 described above, Mary Hendrickson has also been impaired in her ability to enjoy life, and
17 travel has been restricted. The services she can perform for her household have also been
18 limited, all to her general damage according to proof.

19 WHEREFORE, Plaintiff prays for judgment against Defendant for special damages
20 according to proof and for general damages in the sum of \$350,000.00 or according to
21 proof, for costs of suit, for interest as to past special damages, and for such further relief as
22 the court deems proper in the circumstances.

23 Dated: June 4, 2007

LAW OFFICES OF DAVID J. BENNION

24 By: David J. Bennion
25 DAVID J. BENNION
26 Attorney for Plaintiff
27 Mary Hendrickson
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1 DEMAND FOR JURY TRIAL

2 Plaintiff hereby demands a jury trial as provided by Rule 38 (a) of the Federal Rules
3 of Civil Procedure.

4 Dated: June 4, 2007

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5
6 By: David J. Bennion
7 DAVID J. BENNION
8 Attorney for Plaintiff
9 Mary Hendrickson
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